

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

DECEMBER 2, 2004

The Marlboro Township Council held a regularly scheduled Council Meeting on December 2, 2004 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Mione opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 5, 2004; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

PRESENT: Councilman Cantor, Council Vice President Denkensohn, Councilwoman Morelli, Councilman Pernice and Council President Mione.

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Acting Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

The Clerk called the Roll.

The following Res. #2004-360/Ord. #2004-26 (Amending Chapter 14 - Contribution Disclosure of Applicants before Planning and Zoning Boards) was discussed between Mayor, Council and Andrew Bayer, Esq. Consensus of Council was to discuss this ordinance further at the end of the meeting.

The following Resolution #2004-361 (Acceptance of Audit - General Comments and Recommendations) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Council President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-361

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the annual report of audit for the year 2004 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations
Auditor's Opinion
Single Audit Findings

and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations
Auditor's Opinions
Single Audit Findings

as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

The following Resolution # 2004-362 (Appointing Agricultural Committee Member/Chairperson - Heidi Rajan) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-362

RESOLUTION APPOINTING HEIDI RAJAN AS A MEMBER AND
THE CHAIRPERSON OF THE TOWNSHIP OF MARLBORO
AGRICULTURAL ADVISORY COMMITTEE

WHEREAS, the Township Council of the Township of Marlboro approved Ordinance #2004-10, creating an Agricultural Advisory Committee under Chapter 98 "Open

Space, Farmland and Historic Sites" of the Code of the Township of Marlboro, specifically Sections 98-12 through 98-17; and

WHEREAS, pursuant to Section 98-13(A) of the Code of the Township of Marlboro, the Mayor has the right to appoint three citizens to the Agricultural Advisory Committee with the consent of the Township Council; and

WHEREAS, pursuant to Section 98-13(D) of the Code of the Township of Marlboro, the Mayor also has the right to appoint the Chairperson of the Agricultural Advisory Committee; and

WHEREAS, pursuant to Section 98-14 of the Code of the Township of Marlboro, two of the three citizens appointed to the Agricultural Advisory Committee shall serve for a one-year term; and

WHEREAS, the Mayor desires to appoint Heidi Rajan to the Agricultural Advisory Committee for an initial term of one year and selects Heidi Rajan to serve as the Chairperson of the Agricultural Advisory Committee.

NOW, THEREFORE, BE AND IT HEREBY IS RESOLVED, by the Township Council of the Township of Marlboro that HEIDI RAJAN is hereby appointed to the Agricultural Advisory Committee for an initial term of one year and that HEIDI RAJAN shall serve as the Chairperson of the Agricultural Advisory Committee.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Township of Marlboro Planning Board
- b. Township Administrator
- c. Gluck Walrath, LLP.

The following Resolution # 2004-363 (Amending Negotiating Committee COAH) was discussed by Mayor, Council and Andrew Bayer, Esq. After discussion, the resolution was tabled to the Dec. 16th meeting.

The following Resolution # 2004-364 (Increase CAP Contract CME- Vanderburg Pool Complex) was introduced by reference,

offered by Council Vice President Denkensohn, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-364

RESOLUTION AUTHORIZING A SECOND AMENDED CONTRACT BETWEEN C.M.E ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF ENGINEERING SERVICES IN RELATION TO THE CONSTRUCTION OF THE SWIMMING POOL FACILITY AT THE VANDERBURG PARK RECREATION COMPLEX

WHEREAS, on June 28, 2001, the Township Council of the Township of Marlboro adopted Resolution #2001-180 authorizing a contract between the Township of Marlboro and C.M.E. Associates for the preparation of designs and consultation services for the construction of the Township of Marlboro Aquatic Center at the Marlboro Swim Club Facility; and

WHEREAS, on October 11, 2001, the Township Council of the Township of Marlboro adopted Resolution #2001-275 authorizing the Township to enter into an amended contract with C.M.E. Associates to reflect the fact that the site for the construction of the swimming pool facility had changed from the Marlboro Swim Club Facility to the Vanderburg Park Recreation Complex; and

WHEREAS, both Resolution #2001-180 and #2001-275 authorized C.M.E. Associates to perform the services outlined in its proposal to the Township dated June 27, 2001 for an amount not to exceed \$162,300.00; and

WHEREAS, the Township has been in a protracted dispute with Stoneridge, Inc. ("Stoneridge"), the contractor who was awarded the contract to construct the swimming pool facility at the Vanderburg Park Recreation Complex, wherein the Township alleges, inter alia, that Stoneridge failed to complete the construction of the swimming pool facility, and it failed to do so in a timely manner as required by the Stoneridge-Township contract; and

WHEREAS, as a result of Stoneridge's conduct, C.M.E. Associates was compelled to perform engineering services above and beyond the contract limitations of \$162,300.00 so that the swimming pool facility could be completed and opened to the public; and

WHEREAS, CME Associates submitted an invoice for services performed on behalf of the Township from May 28, 2003 through June 21, 2004 in the amount of \$48,903.00; and

WHEREAS, the original contract for "professional services" was awarded in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., without public advertising for bids and bidding, provided that the Resolution authorizing the contract and the contract itself be available for public inspection and review in the office of the Municipal Clerk, and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, sufficient funds are available in budgets heretofore or hereafter adopted to allow for the Township to enter into a Second Amendment to the Township-C.M.E. Associates contract to increase the original contract amount by \$48,903.00 and all necessary encumbrances have or will be made by the Township Chief Financial Officer.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor is hereby authorized to execute and the Municipal Clerk to attest to a Second Amended Contract between the Township of Marlboro and C.M.E. Associates which shall reflect an increase of the original contract amount by \$48,903.00, thereby increasing the contract amount from \$162,300.00 to \$211,203.00. The Second Amended Contract shall be in a form acceptable to the Township Attorney.

2. That the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this Second Amended Contract and to attach same to this Resolution.

3. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

4. That a certified copy of this Resolution shall be provided to each of the following:

a. C.M.E. Associates

- b. Chief Financial Officer
- c. Township Engineer
- d. GluckWalrath LLP

The following Resolution # 2004-365 (Award of State Contract - Eagle Point - Gun Equipment PD) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-365

RESOLUTION AUTHORIZING THE PURCHASE OF WEAPON
EQUIPMENT STATE CONTRACT #A60530

WHEREAS, the Marlboro Township Police Department has recommended that the Township purchase weapon equipment from Eagle Point Gun, 1707 Third Street, Thorofare, NJ 08086 under State Contract #A60530 for the amount of \$4,146.80; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide the weapon equipment to the Township of Marlboro Police Department; and

WHEREAS, funds are available in MCIA Account Number 03-2003-0000-0006-004-01943 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said weapon equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase weapon equipment for the Township of Marlboro Police Department from Eagle Point Gun, 1707 Third Street, Thorofare, NJ

08086 under State Contract #A60530 for the amount of \$4,146.80; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Eagle Point Gun, Thorofare, NJ
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution # 2004-366 (Award of State Contract - Lanegan Assoc. Police Equipment) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-366

RESOLUTION AUTHORIZING THE PURCHASE OF POLICE
EQUIPMENT STATE CONTRACT #A60534

WHEREAS, the Marlboro Township Police Department has recommended that the Township purchase police equipment from Lanigan Associates, 496 Shrewsbury Avenue, Red Bank, NJ 07701 under State Contract #A60534 for the amount of \$28,518.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide the police equipment to the Township of Marlboro Police Department; and

WHEREAS, funds are available in MCIA Account Number 03-2003-0000-0006-004-01943 and in Capital Account Number 04-2000-0000-0028-004-01919 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said police equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase police equipment for the Township of Marlboro Police Department from Lanigan Associates, 496 Shrewsbury Avenue, Red Bank, NJ 07701 under State Contract #A60534 for the amount of \$28,518.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Lanigan Associates, Red Bank, NJ
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution # 2004-367 (Award of State Contract - Lanegan Assoc. Emergency Response Unit Uniforms) was introduced by reference, offered by Councilman Cantor, seconded by Council President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-367

RESOLUTION AUTHORIZING THE PURCHASE OF UNIFORMS
FOR THE POLICE DEPARTMENT EMERGENCY RESPONSE UNIT
STATE CONTRACT #A60534

WHEREAS, the Marlboro Township Police Department has recommended that the Township purchase uniforms from Lanigan Associates, 496 Shrewsbury Avenue, Red Bank, NJ 07701 under State Contract #A60534 for the amount of \$6,800.90; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide the uniforms to the Township of Marlboro Police Department Emergency Response Unit; and

WHEREAS, funds are available in 2004 Budget Account Number 01-2004-0001-0240-002-00331 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said uniforms;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase uniforms from Lanigan Associates, 496 Shrewsbury Avenue, Red Bank, NJ 07701 under State Contract #A60534 for the amount of \$6,800.90; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Lanigan Associates, Red Bank, NJ
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution # 2004-368 (Award of State Contract - Vehicle for Fire Prevention) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-368

RESOLUTION AUTHORIZING THE PURCHASE OF 4 X 4
VEHICLE STATE CONTRACT #A53130

WHEREAS, the Marlboro Township Public Works Department has recommended that the Township purchase a 2005 Dodge Durango 4 x 4 for use by the Fire Prevention Bureau from Warnock Fleet, 175 Route 10, PO Box 524, East Hanover, NJ 07936 under State Contract #A53130 for the amount of \$22,269.84; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide the vehicle to the Township of Marlboro Fire Prevention Bureau; and

WHEREAS, funds are available in Capital Account Number 04-2004-0000-0021-004-01979 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said vehicle;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase one 2005 Dodge Durango 4 x 4 for the Township of Marlboro Fire Prevention Bureau from Warnock Fleet, 175 Route 10, PO Box 524, East Hanover, NJ 07936 under State Contract #A53130 for the amount of \$22,269.84; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Warnock Fleet, East Hanover, NJ
- b. Township Administrator
- c. Township Fire Prevention Bureau
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution # 2004-369 (Extension of Contract 90 days - Waste Management) was introduced by reference, offered by Council President Mione, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-369

RESOLUTION AUTHORIZING AN EXTENSION OF THE
CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND
WASTE MANAGEMENT OF NEW JERSEY, INC. FOR THE
PROVISION OF RECYCLING SERVICES

WHEREAS, in 2000, the Township Council of the Township of Marlboro authorized the acceptance of bids for the performance of recycling services in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the bid specifications, in accordance with N.J.S.A. 40A:11-15(3), authorized the Township to award a contract for recycling services for a period of up to five years; and

WHEREAS, the Township Council of the Township of Marlboro, by Resolution #2000-117, awarded a contract (the "Contract") to Waste Management of New Jersey, Inc. ("Waste Management") for the provision recycling services; and

WHEREAS, the Contract was awarded for a period of 56 months commencing on May 1, 2000 and expiring on December 31, 2004, which, pursuant to the bid specifications, allowed for the Contract to be extended for a period of up to 120 days; and

WHEREAS, Administration and the Department of Public Works have advised the Township Council that it is necessary to extend the Contract for a period of 120 days in order to allow the Township to award a new contract for recycling services without any disruption in services; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township to extend the Contract as recommended by Administration and the Department of Public Works.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to enter into an amendment to the Contract, in a form legally acceptable to the Township Attorney, extending the term of the Contract for a period of 120 days at the same rates specified in the bid proposal submitted by Waste Management.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Waste Management of New Jersey, Inc.
- b. Township Administrator

- c. Township Chief Financial Officer
- d. Director of the Department of Public Works
- e. GluckWalrath LLP.

The following Resolution # 2004-370 (Equipment for Police Vehicle) was introduced by reference, offered by Councilman Cantor, seconded by Council President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-370

RESOLUTION AUTHORIZING THE PURCHASE OF PATROL
VEHICLE EQUIPMENT FOR THE POLICE DEPARTMENT
STATE CONTRACT #A60534

WHEREAS, the Marlboro Township Police Department has recommended that the Township purchase equipment from General Sales Administration, Inc. T/A Major Police Supply, 47 Dell Avenue, Kenil, NJ 07847 under State Contract #A60538 for the amount of \$23,173.28; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide the equipment to the Township of Marlboro Police Department; and

WHEREAS, funds are available in MCIA Budget Account Numbers 03-2001-0000-0012-004-01947, 03-2001-0000-0012-004-01977 and 03-2003-0000-0006-004-01977 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase equipment from General Sales Administration, Inc. T/A Major Police Supply,

47 Dell Avenue, Kenvil, NJ 07847 under State Contract #A60538 for the amount of \$23,173.28; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. General Sales Admin. Inc. T/A Major Police Supply, Kenvil, NJ
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolutions were introduced by reference, offered by Councilman Pernice, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor: Res. # 2004-371 (Bingo License St. Gabriel's Rosary-Altar Society) and Res. # 2004-372 (Raffle License St. Gabriel's Rosary-Altar Society).

RESOLUTION # 2004-371

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Bingo License # BL:01-04/05 be and it is hereby granted to St. Gabriel's Church Rosary-Altar Society, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that games will be played each Monday, beginning January 10, 2005 to December 19, 2005 from 12 Noon to 2:30 PM at St. Gabriel's Church Hall, 100 North Main Street, Marlboro, New Jersey 07746, as follows:

JANUARY	10, 17, 24, 31
FEBRAURY	7, 14, 21, 28
MARCH	7, 14, 21,
APRIL	4, 11, 18, 25
MAY	2, 9, 16, 23
JUNE	6, 13, 20, 27
JULY	11, 18, 25
AUGUST	1, 8, 15, 22, 29
SEPTEMBER	12, 19, 26
OCTOBER	3, 10, 17, 24, 31
NOVEMBER	7, 14, 21, 28
DECEMBER	5, 12, 19

RESOLUTION # 2004-372

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 14-04/05 be and it is hereby granted to St. Gabriel's Church Rosary-Altar Society, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be played each Monday, beginning January 10, 2005 to December 19, 2005 from 12 Noon to 2:30 PM at St. Gabriel's Church Hall, 100 North Main Street, Marlboro, New Jersey 07746, as follows:

JANUARY	10, 17, 24, 31
FEBRAURY	7, 14, 21, 28
MARCH	7, 14, 21,
APRIL	4, 11, 18, 25
MAY	2, 9, 16, 23
JUNE	6, 13, 20, 27
JULY	11, 18, 25
AUGUST	1, 8, 15, 22, 29
SEPTEMBER	12, 19, 26
OCTOBER	3, 10, 17, 24, 31
NOVEMBER	7, 14, 21, 28
DECEMBER	5, 12, 19

The following Resolution # 2004-373 (Requesting Extension of Time to Award Contract For Road Improvements - Robertsville Rd. (Route 520) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-373

RESOLUTION AUTHORIZING THE REQUEST OF A SECOND EXTENSION OF
TIME FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION IN
WHICH TO AWARD A CONTRACT FOR ROADWAY IMPROVEMENTS TO
ROBERTSVILLE ROAD, TOWNSHIP OF MARLBORO, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY

WHEREAS, pursuant to an agreement between the Township of Marlboro (the "Township") and the New Jersey Department of Transportation (the "NJDOT") dated January 9, 2003 (the "Agreement"), the NJDOT agreed to provide to the Township an aggregate grant of \$150,000.00 (the "Grant Monies") for

roadway improvements to Robertsville and Union Hill Roads in the Township of Marlboro (collectively, the "Improvements"); and

WHEREAS, the Agreement required that a contract between the Township and a prospective contractor for the Improvements be awarded no later than January 9, 2004 (the "Deadline"); and

WHEREAS, at the end of 2003, the plans for the Improvements were not complete and therefore, in order to retain the Grant Monies, the Township Council of the Township of Marlboro, by Resolution #2003-378, authorized the Township to formally seek from the NJDOT an extension of the Deadline for a period of one year; and

WHEREAS, said extension was granted by the NJDOT; and

WHEREAS, the Township Engineer has now advised the Township Council that the plans for the roadway improvements to Robertsville Road are not yet complete and therefore recommends that, in order to retain the Grant Monies, the Township should formally request from the NJDOT an additional six month extension of the Deadline, as it relates to Robertsville Road; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township to formally extend a request to the NJDOT for an additional six month extension of the Deadline, as it relates to Robertsville Road.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the appropriate Township Officials are hereby authorized to seek an additional six-month extension of the Deadline, as it relates to Robertsville Road.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. New Jersey Department of Transportation
- b. Township Administrator
- c. Township Engineer
- d. Director of the Department of Public Works
- e. Gluck Walrath LLP

Discussion continued on Res. #2004-360/Ord. #2004-26 (Amending Chapter 14 - Contribution Disclosure of Applicants before Planning and Zoning Boards). Council members discussed several substantial amendments to the ordinance. Consensus of Council was for the legal department to amend the Ordinance as discussed and reintroduce it at a future meeting.

After discussion, the following Res. # 2004-374/Ord. #2004-27 (Ordinance Allowing Appeals to Governing Body of Zoning Board Decisions on Use Variances) was introduced by reference, offered by Councilman Cantor, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 1 in favor with Council Vice President Denkensohn voting no.

RESOLUTION # 2004-374

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2004-27

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS," ARTICLE II "LAND USE PROCEDURES," SECTION 84-6 "APPEALS TO GOVERNING BODY" AND SECTION 84-11 "PUBLIC HEARINGS AND NOTICES" OF THE CODE OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on December 16, 2004 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2004-27

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS," ARTICLE II "LAND USE PROCEDURES," SECTION 84-6 "APPEALS TO GOVERNING BODY" AND SECTION 84-11 "PUBLIC HEARINGS AND NOTICES" OF THE CODE OF THE TOWNSHIP OF MARLBORO

WHEREAS, The Municipal Land Use Law, N.J.S.A. 40:55D-1, *et seq.*, authorizes a municipality to adopt an ordinance allowing for interested parties to appeal to the governing body certain final decisions of the zoning board of adjustment in accordance with N.J.S.A. 40:55D-17a; and

WHEREAS, Section 84-6 and Subsection E of Section 84-11 of the Code of the Township of Marlboro currently prohibit any appeals to the Township Council of any final decision of the Zoning Board of Adjustment; and

WHEREAS, The Township of Marlboro desires to amend the Code of the Township of Marlboro to allow an interested party to appeal to the Township Council certain final decisions of the Zoning Board of Adjustment in accordance with N.J.S.A. 40:55D-17a.

NOW THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Municipal Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Chapter 84, Land Use Development and Regulations, Article II, Land Use Procedures, Section 84-6, Appeals to Governing Body and Subsection E of Section 84-11, Public Hearings and Notices of the Code of the Township of Marlboro be amended and supplemented as provided for by N.J.S.A. 40:55D-17, *et seq.*, as follows:

§ 84-6 Appeals to Governing Body.

Is hereby deleted in its entirety and replaced with a new § 84-6 entitled Appeals to Governing Body to read as follows:

- A. There shall be no appeals to the Township Council of any final decision of the Planning Board.
- B. In accordance with N.J.S.A. 40:55D-17, any interested party may appeal to the Township Council any final decision of the Zoning Board of Adjustment approving an application for development pursuant to subsection d of N.J.S.A. 40:55D-70. Said appeal shall be made by serving the Township Clerk in person or by certified mail with a notice of appeal, specifying the grounds thereof and the name and address of the appellant and

name and address of his attorney, if represented, within ten days of the publication of the final decision by the Zoning Board of Adjustment. The appeal shall be decided by the Township Council only upon the record established before the Zoning Board of Adjustment. The procedure for the appeal shall comply with N.J.S.A. 40:55D-17.

- C. Except as permitted by subsection B of this provision, there shall be no appeals to the Township Council of any final decision of the Zoning Board of Adjustment.

§ 84-11 Public Hearings and Notices.

Subsection E of § 84-11 is hereby deleted in its entirety and replaced with a new Subsection E to read as follows:

- E. Appeals. Appeals of any final decision of the Planning Board or the Zoning Board of Adjustment shall be in accordance with § 84-6 of this Chapter.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions to adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Items were carried to the December 16th meeting: Item #20 (Setting Reorganization Meeting Date and Time), Item #21 (Bond Release Dr. Rosenblatt Site Plan) and and Item #22 (Tax Collector Resolutions).

At 10:40 pm, Councilwoman Morelli moved that the meeting be adjourned. This was seconded by Council Vice President Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: January 20, 2005

OFFERED BY: Mione

AYES: 5

SECONDED BY: Denkensohn

NAYS: 0

ALIDA DE GAETA
MUNICIPAL CLERK

JAMES MIONE
COUNCIL PRESIDENT